

No. _____

In the Supreme Court of Texas

RECEIVED IN
3rd COURT OF APPEALS
AUSTIN, TEXAS
4/6/2021 1:57:38 PM

JEFFREY D. KYLE

Clerk

Mary Louise Serafine v. Alexander Blunt et al.

&

Mary Louise Serafine v. Karin Crump et al.

From the Third Court of Appeals
Case No. 03-20-294-CV & Case No. 03-21-53-CV

MOTION FOR WRITTEN DECISION IN CONNECTION WITH
MOTION TO TRANSFER CASE NO. 03-20-294-CV TO TEXARKANA
&
MOTION TO TRANSFER CASE NO. 03-21-53-CV TO BEAUMONT

TO THE HONORABLE SUPREME COURT OF TEXAS:

This motion on behalf of Appellant Mary Louise Serafine asks for a written decision on Appellant's motions to transfer, or if preferable to the Court, seeks clarification of the "Returned for Correction" notices that we received on March 30 and 31, 2021.

On March 2, 2021 we filed on behalf of Appellant the motions to transfer described in the above caption. We adhered to the Court's procedure in Misc. Order No. 06-9136. In their response to the transfer requests, the six justices of the Third Court of Appeals agreed that at least half of them were disqualified or should

recuse. We then replied to their arguments and urged that transfer remained appropriate. On March 29, 2021, we notified the Court that the Third Court had made a critical ruling adverse to Appellant concerning the appellate record *while the transfer motion remained before this Court*. Although we stopped short of calling the move improper, we asked the Court to abate the cases in the Third Court, vacate the ruling, and reserve it to the transferee court.

The next day we received two emailed “Returned for Correction” notices from our commercial service and the state electronic filing system. Parts of those notices are photographically shown in the margin.¹ These notices stated that the

1

Returned for Correction

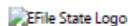
SUB: Your submission has been Returned for Correction

The following Filing was Returned for Correction by the clerk of court.

Submission ID: 51051100	Cause No:
Submission Date & Time: 03/02/21 03:17 AM CST	Client ID:
Appellant: Mary Louise Serafine	Document: 2021.03.01 20-294 Motion request transfer.pdf

Case Information **Fees Breakdown**

Case Title: **Court Fees**



Filing Returned

Envelope Number: 51051100
Case Number: 51051100
Case Style:

The filing has been reviewed and returned for correction. **Please refile with the corrections indicated below.** For instructions on how to retain your original file stamp date, consult with your electronic filing service provider or the clerk's office. An electronically filed document is deemed filed when delivered to the electronic filing service provider, unless it is filed on a Saturday, Sunday, or legal holiday (in which case it is deemed filed on the next day that is not a Saturday, Sunday, or legal holiday)—or the document requires a motion and an order permitting the document to be filed.

Return Reason(s) from Clerk's Office	
Court	Courts of Appeals
Returned Reason	Other
Returned Comments	The Supreme Court denied the Request to Transfer.

clerk had rejected our motion of four weeks earlier; and the second notice stated in the comment section, “The Supreme Court denied the Request to Transfer.” The following day, we received the same two notices for the second, related case.

(These latter two are attached.)

These notices are quite non-standard. They lack case numbers, for example, and are contradictory because they announce both that revision is required and that a merits decision was made. They give no indication of being served on the parties and no indication of a proceeding actually docketed before the Court. They raise in any reader’s mind the question of who decided the motions. At a minimum there is some question of propriety and formality. Appellant therefore respectfully asks for a written decision in any form from which a reader would conclude that sitting members of the Supreme Court actually considered and decided the motions in question.

Appellant is entitled under Article V, Section 11 of the Texas Constitution to ask the Governor to commission a panel of persons to decide the appeal, when there are significant disqualifications, as here. Because we have initiated that process, we believe that as a practical matter we need to be able to represent the Court’s decision in a proper way. This is an additional reason for requesting a written decision.

For all of the foregoing reasons, Appellant respectfully asks for a written decision from the Court on the motions to transfer.

Respectfully submitted,

/s/ John W. Vinson

John W. Vinson
Counsel of Record
State Bar No. 20590010
John W. Vinson, PLC
PO Box 301678
Austin, TX 78703
Tel: (512) 926-7380
Email: johnvinsonatty@yahoo.com

/s/ Mary Lou Serafine

Mary Louise Serafine
State Bar No. 24048301
Mary Louise Serafine,
Attorney & Counselor at Law
P.O. Box 4342
Austin, Texas 78765
Tel: (512) 220-5452
Email: serafine@mlserafine.com

Attorneys for Appellant

CERTIFICATE OF SERVICE

Following prior practice, I certify that this document was filed in the Third Court of Appeals on April 6, 2021 in both cases, No. 03-20-294-CV and No. 03-21-53-CV. It was also served on those below via email (through their respective clerks) or the court's electronic filing system, unless otherwise shown.

The Honorable Blake A. Hawthorne, Clerk of the Court
Supreme Court of Texas (via facsimile to 463-1365)

Ms. Haley Marlow, Deputy Clerk, Supreme Court of Texas,
for delivery to Nina Hess Hsu, Esq.
Chief Justice Josh R. Morriss, III
The Honorable Debra K. Autrey
Chief Justice W. Scott Golemon
The Honorable Carly Latiolais
The Honorable Jeffrey D. Kyle
for delivery to the Third Court of Appeals

Anthony J. Nelson, Esq., tony.nelson@traviscountytexas.gov
Patrick T. Pope, Esq., patrick.pope@traviscountytexas.gov
Office of David A. Escamilla, Travis County Attorney
P. O. Box 1748, Austin, Texas 78767
(512) 854-9415/ Fax (512) 854-4808
Attorneys for Appellee the Hon. Karin Crump

Courtney Corbello, Esq., courtney.corbello@oag.texas.gov
Law Enforcement Defense Division, Office of the Attorney General
P.O. Box 12548, Capitol Station, Austin, Texas 78711
(512) 463-2080 / Fax (512) 370-9374
*Attorney for Appellees the Hon. Melissa Goodwin,
the Hon. Bob Pemberton, and the Hon. David Puryear*

Ronald Max Raydon, Esq.
The Raydon Firm, LLC
Two Riverway, Suite 845, Houston, Texas 77056
Attorney For Scott Lockhart and Austin Drainage & Foundation, LLC

Jeff D. Otto, Esq.,
Thompson, Coe, Cousins & Irons, L.L.P.
701 Brazos, # 1500, Austin, Texas 78701
*Attorneys for Viking Fence Company, Ltd., Viking GP, LLC.,
Salvatore Chavarria, Jennifer Chavarria, and James Clanin*

Amanda G. Taylor, Esq.
Butler Snow LLP
1400 Lavaca Street, Suite 1000
Austin, TX 78701
Attorney for Appellees/Cross-Appellants Alexander Blunt and Ashley Blunt


/s/ Mary Lou Serafine
Mary Louise Serafine
State Bar No. 24048301

EXHIBITS

Filing Returned for Correction with submission id#51067515

support@filetime.com
To serafine@mlserafine.com

2:23 PM 

Reply Reply all Forward Delete Add to Safe Senders Add to Blocked Senders 

Show images

External images have been blocked to protect you against potential spam!



 FileTime State Court E-Filing

arrow *Fast and Reliable*

Returned for Correction

SUB: Your submission has been Returned for Correction

The following Filing was Returned for Correction by the clerk of court.

Submission ID:

51067515

Submission Date & Time:

03/02/21 11:49 AM CST

Appellant:

Mary Louise Serafine

Cause No:

Client ID:

Document:

2021.03.01 Ch 73 Mo transfer 21-53.pdf

Case Information

Case Title:

Jurisdiction:

9th Court of Appeals

Case Category:

Civil - Other Civil

Case Type:

Civil

Payment Account:

Serafine 6/2020 Acct

Client ID:

Cause No:

Attorney:

Mary Louise Serafine

Filer:

Mary Louise Serafine

Fees Breakdown

Court Fees

Copy of Notice of Appeal - Exempt

Filing Fee \$0.00

Total Fee For This Filing \$0.00

Case Parties

Party Type	Name	Our Client
Appellant	Mary Louise Serafine	Yes

Submission Fees

Sales Tax on FileTime Fee \$0.00

Total Submission Fees \$0.00

Total Fees for this Filing \$0.00

Filings

Filing Type: eFile

Feedback

Filing Returned for Envelope Number: 51067515 in Case: 51067515, for filing Copy of Notice of Appeal - Exempt

To serafine@mlserafine.com



Filing Returned

Envelope Number: 51067515

Case Number: 51067515

Case Style:

The filing has been reviewed and returned for correction. **Please refile with the corrections indicated below.** For instructions on how to retain your original file stamp date, consult with your electronic filing service provider or the clerk's office. An electronically filed document is deemed filed when delivered to the electronic filing service provider, unless it is filed on a Saturday, Sunday, or legal holiday (in which case it is deemed filed on the next day that is not a Saturday, Sunday, or legal holiday)—or the document requires a motion and an order permitting the document to be filed.

Return Reason(s) from Clerk's Office	
Court	Courts of Appeals
Returned Reason	Other
Returned Comments	Transfer was Denied by Supreme Court

Document Details	
Case Number	51067515
Case Style	
Date/Time Submitted	3/2/2021 11:50 AM CST
Filing Type	Copy of Notice of Appeal - Exempt
Filing Description	Copy of Notice of Appeal - Exempt
Activity Requested	EFile
Filed By	Mary Serafine
Filing Attorney	Mary Serafine

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Mary Serafine on behalf of Mary Serafine
Bar No. 24048301
serafine@mlserafine.com
Envelope ID: 52173946
Status as of 4/6/2021 2:20 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Courtney Corbello	24097533	courtney.corbello@oag.texas.gov	4/6/2021 1:57:38 PM	SENT
Anthony J. Nelson	14885800	tony.nelson@traviscountytexas.gov	4/6/2021 1:57:38 PM	SENT
John Willis Vinson	20590010	johnvinsonatty@yahoo.com	4/6/2021 1:57:38 PM	SENT
Patrick Pope	24079151	patrick.pope@traviscountytexas.gov	4/6/2021 1:57:38 PM	SENT
Mary Louise Serafine		serafine@mlserafine.com	4/6/2021 1:57:38 PM	SENT